

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-CV-12592 REK

GAETANO P. DELUCA,)
Plaintiff)
v.)
THE TOWN OF HINGHAM,)
HINGHAM BOARD OF HEALTH,)
PETER B. BICKFORD,)
CHAIRMAN, RAYMOND E. BEALE, JR.,)
RUTH ANNE BECK, TREASURER/)
COLLECTOR, BRUCE T. CAPMAN,)
EXECUTIVE HEALTH OFFICER and)
FIRST HIGH STREET TRUST,)
Defendant,)

PLAINTIFF'S MOTION TO COMPEL DISCOVERY

Now comes the plaintiff, Gaetano P. DeLuca, and respectfully moves pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1, to Compel Discovery.

In support of this Motion, the plaintiff states the following:

1. The plaintiff is representing himself in this matter pro se.

2. This action was commenced on December 23, 2003.
Thereafter, all Defendants were served.
3. The plaintiff has served the following discovery requests upon the defendants:

On the Town of Hingham -	Production of Documents and Interrogatories
On Peter B. Bickford -	Production of Documents and Interrogatories
On Raymond E. Beale -	Production of Documents and Interrogatories
On Bruce T. Capman -	Production of Documents and Interrogatories
On Ruth Anne Beck -	Production of Documents and Interrogatories
4. The discovery period commenced to run on July 15, 2004, when the plaintiff complied with the Court's July 8, 2004 Memorandum and Order to Amend his Complaint by adding a plain statement of Jurisdiction.
5. With the exception of Mr. Raymond E. Beale's answers to interrogatories, the defendants have failed and refused to respond to any of the plaintiff's discovery requests.
6. At a hearing before this Court on October 27, 2004, the Court denied the defendants' requests to Stay Discovery.

7. On October 31, 2004 and November 1, 2004, the plaintiff wrote to defendants' counsel regarding the outstanding discovery. The defendants have not responded.
8. A discovery conference has not been held because;
(a) the Court has denied the defendants' request to Stay Discovery; and (b) the plaintiff wrote to the defendants' counsel on October 31, 2004 and November 1, 2004 in an attempt to resolve the outstanding discovery issues. The defendants have failed and refused to respond.
9. The defendants' continued failure to comply with the plaintiff's discovery requests has and will continue to prejudice and injure the plaintiff's ability to prepare his case.

WHEREFORE, the plaintiff prays that this Honorable Court Order the defendants' to comply with all of the plaintiff's discovery requests on or before November 30, 2004.

Dated: November 5, 2004

Respectfully submitted,



Gaetano P. DeLuca
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Hingham, MA 02043
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CERTIFICATE OF SERVICE

I herein certify that all parties were served by First Class Mail, Postage Pre-Paid on November 5, 2004.

November 5, 2004



Gaetano P. DeLuca